

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEKSANDR PAVLOVSKIY,

Defendant.

CASE NO. CR19-0211-JCC

ORDER

This matter comes before the Court on the Government's motion to seal (Dkt. No. 94). Having thoroughly considered the parties' motion and the relevant record, the Court GRANTS the motion.

The First Amendment protects the public's right of access to criminal trials. *See, e.g., Globe Newspaper Co. v. Super. Ct. for Norfolk Cnty.*, 457 U.S. 596, 606 (1982). The public also has a common law right to inspect and copy public records, including those from judicial proceedings. *See Nixon v. Warner Commc'ns*, 435 U.S. 589, 597 (1978). But these rights are not absolute. They must yield when (1) sealing a document serves a compelling interest, (2) that is substantially likely to be harmed if the document is not sealed, and (3) there are no less restrictive alternatives for protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998 (9th Cir. 2017).

The Government seeks to maintain under seal its sentencing memorandum and an exhibit

1 to the memorandum, as they contain personal information regarding sexual abuse. (*See* Dkt. No.
2 93 at 2.) The Court has reviewed the documents at issue and finds that sealing them would serve
3 a compelling interest which is likely to be harmed absent sealing for which there are no less
4 restrictive measures available.

5 Accordingly, the Court GRANTS the Government's motion (Dkt. No. 94). Its sentencing
6 memorandum and exhibit 2 to its memorandum (Dkt. No. 95) will remain under seal pending
7 further order of the Court.

8 DATED this 4th day of February 2022.

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12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
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